

Application No.: 09/653,286
Amendment

R E M A R K S

Reconsideration of the application in view of the following remarks is respectfully requested. No claims have been amended, canceled or added. Therefore, claims 1-19 remain pending in the application.

Finality of the Office Action is Premature

Applicants submit that the finality of the present Office Action is improper and premature. Specifically, the Manual of Patent Examining Procedure (MPEP) states:

"706.07(a) Final Rejection, When Proper on Second Action [R-1]

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)."

MPEP § 706.07(a):

In the present Office Action the Examiner entered new grounds of rejection for claims 1-12. Given that Applicants did not amend claims 1-12 in their last response, the Examiner's new ground of rejection could not have been necessitated by Applicants' amendment of those claims. Furthermore, the new ground of rejection is not based on information submitted in the Information Disclosure Statement (IDS) filed on October 7, 2002, and that IDS was also not an IDS filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) (a statement under 37 CFR 1.97(e) was submitted instead).

Application No.: 09/653,286
Amendment

Therefore, Applicants submit that the finality of the present Office Action is improper and premature and must be withdrawn.

Advisory Action Requested

If this response does not result in a Notice of Allowance, and the finality of the office action is not withdrawn as requested above, then Applicants respectfully request a timely Advisory Action.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,296,570 to Miyamoto et al. ("Miyamoto et al."). Applicants respectfully traverse these rejections.

In FIG. 12, Miyamoto et al. discloses a game system in which a message is displayed in a display area 31a of the screen for informing the player of the method of manipulating a player object (fighter airplane) 60. Images of buttons corresponding four buttons 47C of a controller 40 manipulated by the player are also displayed near the message. One of the buttons 47C is displayed in a color different from other buttons for prompting the player to press the button displayed in the different color.

Miyamoto et al.'s concept of displaying the button in a different color is different from the concept of the present invention. Namely, Applicants' independent claim 1 recites in part "words of a same type in meaning in said message are displayed in a same color." The invention recited in this claim helps to keep the interest of the player in a game which requires a long period of time for finishing the game, such as a role playing game. The player stays interested in the game

Application No.: 09/653,286
Amendment

because Applicants' claimed system helps the player to understand the story (scenario) of the game.

As admitted by the Examiner, Miyamoto et al. fails to disclose words of a same type in meaning in a same color on the displayed message. (Final Office Action mailed 5/21/03, page 3, second paragraph). The Examiner asserts, however, that this limitation would have been obvious to one of ordinary skill in the art in view of Miyamoto et al.'s different colored button in the display area 31a of FIG. 12.

Applicants respectfully disagree with the Examiner's conclusion with respect to obviousness. Specifically, Miyamoto et al. is applicable to a game which requires quick action of the player, such as a shooting game, an action game, and a racing game. When the message and buttons are displayed in Miyamoto et al.'s display area 31a, the player has to perform the indicated operation quickly. Applicants submit Miyamoto et al.'s concept of indicating the quick manipulation method of the controller is fundamentally different than the invention of Applicants' claim 1 which helps the player to understand the story (scenario) of a game, such as a role playing game. Given this fundamental difference, a person of ordinary skill in the art would not be motivated to try to somehow modify Miyamoto et al.'s system to correspond to Applicants' claim. As such, the rejection of claim 1 must be withdrawn.

Applicants submit that the rejections of independent claims 6, 7 and 12 should also be withdrawn because they include language similar to that of claim 1. Furthermore, the rejections of the remaining claims should also be withdrawn for at least the reasons provided above by virtue of their dependence on their respective independent claims.

Application No.: 09/653,286
Amendment

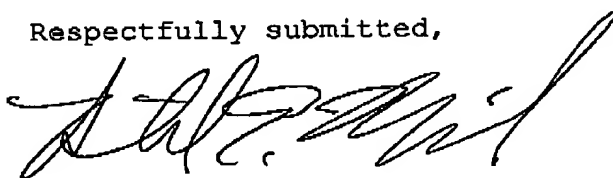
No Fees Believed to be Due

As the claims have not been amended and no claims have been added, no extra claims fees are believed to be due.

C O N C L U S I O N

In view of the above, Applicants submits that the pending claims are in condition for allowance. Should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Richard E. Wawrzyniak at (858)552-1311 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Richard E. Wawrzyniak
Reg. No. 36,048

Dated

8/14/03

Address all correspondence to:
Richard E. Wawrzyniak, Esq.
FITCH, EVEN, TABIN & FLANNERY
120 So. LaSalle Street, Suite 1600
Chicago, Illinois 60603
Customer No. 22242
Telephone No.: (858) 552-1311
Facsimile No.: (858) 552-0095

RECEIVED

AUG 15 2003

Technology Center 2600

OFFICIAL